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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International-Lawyers.Org and the United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Burundians facing Human Rights Violations - Acts of Violence, Intimidation and Threats by Imbonerakure**

The political, humanitarian and human rights crisis in Burundi began in 2015 after President Pierre Nkurunziza sought a third term in the 2015 presidential elections, which consequently sparked protests and widespread demonstrations as the decision was deemed unconstitutional by many including the Constitutional court vice-president, Sylvere Nimpagaritse and his colleagues who also claim that they were threatened and put under pressure to take a different stance. Since, there have been numerous reports by various United Nations bodies, several non-governmental organisations, as well as on the ground information and witness-testimony that have reported serious human rights violations, atrocities, and abuses in connection with or attributed to the government of Burundi perpetrated against civilians.

This statement is concerned with the human rights situation of Burundians who have fled since the crisis began in 2015 and the serious human rights violations, atrocities and abuses against civilians, especially those committed by the Youth Wing of the ruling party, the National Council for the Defence of Democracy-Forces for Defence and Democracy (Conseil National pour la Défense de la démocratie-Forces de défense et de la démocratie CNDD-FDD), the Imbonerakure. This statement is also concerned about the plight of Burundian refugees in neighbouring countries and possible solutions to the crisis along with recommendations to relevant stakeholders.

Acts of intimidation, threats and force by Imbonerakure

The Imbonerakure are the Youth Wing of the current ruling party CNDD-FDD and was formed and has been active since 2010.1 Their name means "Those Who See Far" in Kirundi and are said to consist of demobilized former rebels (18-39 years old) and are engaged in political and other activities across the country. However, several sources have reported various "acts of violence" committed by them (as early as 2012) including; beatings and injuries, extrajudicial killings, banditry, and political killings.2

In Burundi's Third Universal Periodic Review (UPR) Cycle OHCHR-Burundi included the Imbonerakure as one of the groups that committed most of the human rights violations in Burundi, including "summary executions, enforced disappearances, torture and the alleged sexual violence". 3 In 2017 the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein acknowledged the dangerous threat of the Imbonerakure as he strongly condemned their "grotesque rape chants" during rallies in Burundi where they made repeated calls to impregnate or kill party opponents. It should be noted that this was not a one-time occurrence and, on several occasions, similar chants inciting rape and violence towards opponents have been reported. Despite the cause for alarm by the High Commissioner in April 2017 and condemnation by the Human Rights Council at its Thirty-Sixth Regular Session in (September 2017)4 reports of on-going violations and rights abuses by the Imbonerakure continue to surface.

In 2018, reports have revealed numerous instances where certain groups of people were forced by the Imbonerakure to attend rallies and events of the current ruling party. For instance, on May 4th 2018, vendors in the Makamba Province were ordered to close down their malls and shops thus leaving the markets empty and were forced to attend a CNDD-FDD party meeting/campaign. In another case, an elected official claimed that activists were prevented from attending a meeting on May 3rd and in another region, they dispossessed IDs and registration papers from people attending a meeting by the opposing party. Worse still, in that same month supporters of another opposition party claimed the Imbonerakure intimidated them with death threats and others were violently attacked, beaten and abused.

In addition to other claims and reports that they make arrests including arbitrary arrests, commit torture and expulsions it is clear that politicians and ordinary citizens have been pushed to join the ruling party by the Imbonerakure. These serious violations and rights abuses were also recently of great concern especially leading up to the voting of the new referendum in May 2018. Clearly not enough was done to not only limit and phase out the violations but also in terms of holding those responsible to account.

It should be noted that in recent Human Rights Council sessions concerning the human rights situation in Burundi, the Commission of Inquiry (COI) reported on such crimes which met strong opposition by the representatives of the

[1] https://www.trackingterrorism.org/group/imbonerakure.
[2] Immigration and Refugee Board of Canada - https://www.ecoi.net/en/document/1066052.html.
[3] https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/339/27/PDF/G1733927.pdf?OpenElement.
[4] 'Situation of Human Rights in Burundi' - A/HRC/36/L.9/Rev.1.

Burundi government and they continuously refuse entry to the COI to investigate the reality on the ground. If the information is not as accurate and witness testimony of refugees is not accepted by the government of Burundi then the only remaining solution is to allow access and entry of the COI to conduct full and extensive investigations. The non-cooperation by the government, however, suggests that they are not interested or are reluctant or unwilling to welcome comprehensive on-the-ground reports.

Despite numerous reports that date back to 2015 the government of Burundi has not taken serious measures to investigate and ensure accountability for the numerous human rights violations and abuses committed by Imbonerakure. Moreover, the government also denied allegations of repression concerning acts of intimidation regarding the referendum vote and claimed the vote was "free and fair". Such denial should be of the utmost concern as it ultimately means absolutely nothing will be done thus generating a culture of impunity that leaves no justice for the victims. Furthermore, considering the longevity of terrorizing and scare tactics few voters of the opposing parties are willing to vote due to fear. On the other hand, many voters who support the ruling power would attend and vote for the referendum favouring the ruling party.5

Burundian refugees

Since April 2015, there are approximately 294,778 Burundian refugees.6 In addition to fleeing their homes there have been recent reports that illustrate appalling conditions in some of the countries where they now temporarily reside. For instance, in Western Tanzania Burundian refugees (along with Congolese refugees) are restricted with regards to freedom of movement and at times are not even allowed to set foot outside their makeshift camps. Additionally, the Tanzanian government instituted a law that prohibits refugees in the country from taking any sort of local job or menial work. Some claim that it is because of this law that their freedom of movement is restricted and are thus suffering other consequences as a result.

Dialogue towards peace

It has been three years since talks were set up by the East African Community (EAC) to initiate dialogue towards peace but there have been no tangible results to date. Reports indicated that non-cooperation by the Burundian government has been the major obstacle towards beginning the talks.7

In late 2015, before these atrocities took place and claimed the lives of thousands of innocent people, displaced hundreds of thousands, and also destroyed people's sources of livelihoods including their homes, talks had already been proposed as a step towards dialogue for peace. Three dialogue sessions had been organised by EAC for May 2016, February 2017, and November/December 2017 but each was suspended due to the unavailability of the Burundian government.

These mediation efforts must not go to waste and rather better and more practical means must be put in place to ensure effective and productive dialogue sessions towards ensuring a process for peace in Burundi. This would ultimately mean that the illegal activities carried out by Imbonerakure must immediately cease and the right to freedom of opinion and expression must be promoted and protected.

Conclusion

There is deep concern over the Imbonerakure, the Youth League of the ruling party, who according to UN reports "harass, control, and intimidate the population" and have been accused of conducting "police actions outside the legal framework" including other forced actions regarding the 2020 elections and its campaigns.8 Such tactics should be strongly condemned by the ruling party as these actions cannot be said to be in line of peace-building and conflict resolution.

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[5] http://www.africanews.com/2018/05/17/burundi-to-vote-in-referendum-that-could-let-president-hold-power-to-2034/.

[6] http://data.unhcr.org/burundi/regional.php.

[7] http://refugee-rights.org/wp-content/uploads/2018/07/IRRI-Burundi-report-final-ENG-July-2018.pdf.

[8] http://www.rfi.fr/afrique/20180628-commission-enquete-burundi-imbonerakure.

Recommendations:

Burundian Government:

- *Allow* the UN Commission of Inquiry inside Burundi to conduct investigations on human rights violations,
- *Hold* Imbonerakure to account for any and all of its illegal activities and violations, provide them with human rights training and ensure that their actions are within human rights law.

East African Community and Support Teams for Talks

- *Open* political and public space for dialogue,
- *Reinstitute* talks towards a dialogue for peace, to this end constructively *engage* with former Tanzanian President Mkapa, local communities, and refugees and
- *ensure* the full and effective participation of women, civil society organisations, women's rights groups, grass roots organisations, refugee and minority groups, and youth groups,
- *Ensure* regional actors listen to the voices of Burundians including refugees and opposition leaders in exile.

Human Rights Council

- *Strongly urge* the government of Burundi to engage in good faith with the East African Community (EAC) with regards to a dialogue towards peace,
- *Provide* technical assistance and capacity building for the EAC facilitation team and for constructive dialogue with the government of Burundi,
- *Support and allocate* appropriate bodies and stakeholders towards providing all necessary technical and financial assistance for the EAC in efforts to build solidarity and immediately re-institute talks for dialogue and implementing peaceful measures in Burundi.

**Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), Association of Humanitarian Lawyers (AHL), NGOs without consultative status, also share the views expressed in this statement.